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**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL MISC. APPLICATION NO.18 OF 2021**

**WITH**

**CRIMINAL WRIT PETITION NO.96 OF 2019**

**CRIMINAL MISC. APPLICATION NO.18 OF 2021**

ANTONIO BRAGANZA (DEC) AND 2 ORS

... APPLICANTS

Versus

MANISH KARAPURKAR AND 2 ORS

... RESPONDENTS

**WITH**

**CRIMINAL WRIT PETITION NO.96 OF 2019**

MANISH KARAPURKAR AND ANR.,

... PETITIONER

Versus

ANTONIO BRAGANZA AND 2 ORS.,

... RESPONDENT

Applicant no. 2 present in person.

**CORAM:- BHARAT P. DESHPANDE, J.**

**DATED :- 9th July, 2024**

P.C.

Heard applicant no. 2 present in person.

2. This is an application filed in Criminal Writ Petition No. 96/2019 which stands disposed of by a detailed order passed on 18.12.2019.

3. The present application is filed under Section 340 of Cr.P.C. seeking to initiate action under Section 195 of the Cr.P.C. read with Sections 193 to 196, 177, 199, 203, 205 and 211 of IPC against the respondents on the ground that false statements were made by the respondents.

4. While disposing of Criminal Writ Petition No.96/2019 vide order dated 18.12.2019, this Court has categorically observed that the proceedings initiated against the said petitioners for the offence

punishable under Section 500 needs interference and accordingly orders passed by Additional Sessions Judge and Judicial Magistrate First Class were quashed and set aside, in connection with the issuance of process for the offence punishable under Sections 500 and 501 of IPC.

5. Applicants now submit that respondents made false statements on affidavit before the concerned Courts and also before this Court with regards to said petition. He submits that there are no documents available with them in connection with the publication of a report.

6. First of all while deciding Criminal Writ Petition No.96/2019, this Court has observed that FIR registered against the petitioners therein needs interference since no such case is made out.

7. There are clear observations that statements found to be in the publication cannot be termed as defamatory since civil proceedings are pending between the parties.

8. It is admitted fact that civil proceedings were pending between the parties at the relevant time and thus contentions now raised, to initiate action under Section 340 of Cr.P.C. cannot be entertained.

8. Accordingly, contentions of the applicant to that effect cannot be accepted. Criminal Misc. Application No.18 of 2021 accordingly, stands disposed of. Proceedings closed.

**BHARAT P. DESHPANDE, J.**